

---

---

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

---

---

TYRONE DREMAIN BROWN,

Petitioner,

*versus*

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TEXAS,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:08-CV-224

**MEMORANDUM OPINION AND ORDER**

Petitioner Tyrone Dremain Brown, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

**Discussion**

A final judgment was entered dismissing the above-styled petition. Petitioner has filed a motion for reconsideration (docket entry no. 9). This memorandum considers such motion.

**Analysis**

Rule 60(b), FED. R. CIV. P. provides in pertinent part:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Petitioner asserts he was neither served with nor received a copy of the report of the magistrate judge entered in this action. A review of the docket, however, reveals that petitioner acknowledged receipt of the magistrate judge's report. The acknowledgment card signed by petitioner was filed as docket entry #5. Accordingly, petitioner's motion contains no meritorious grounds warranting reconsideration.

**ORDER**

For the reasons set forth above, petitioner's motion for reconsideration should be denied.

It is therefore,

**ORDERED** that petitioner's motion for relief from judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 10th day of February, 2010.

*Marcia A. Crone*

---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE